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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/836,145

04/16/2001

Benjamin F. Cravatt

SCRIP1210-3

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10/21/2002

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EXAMINER

BAKER, MAURIE GARCIA

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 10/21/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT.	ATTORNEY DOCKET NO.
09/836,145	04/16/01	CRAVATT	SCRIP1210-3

EXAMINER	
Maurie Garcia Baker, Ph.D.	
ART UNIT	PAPER NUMBER
1639	12

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

Please see attached Notice of Non-Responsive Amendment.

DETAILED ACTION

Please note: The number of Art Unit 1627 has been changed to 1639. Please direct all correspondence for this case to **Art Unit 1639**.

Notice of Non-Responsive Amendment

1. The Response filed on July 15, 2002 is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

In the Restriction Requirement, applicant was required to elect from four Groups and then further elect a species. Although an election of both a group (Group IV) and species was indicated in the Response filed on July 15, 2002, this election is not responsive because applicant's species election does *not* meet the requirements set forth in the Restriction Requirement (Paper No. 7, paragraph 11).

This requirement is set forth again below:

Species of library screened

Applicant is required to elect, for purposes of search, a single specific library that is screened in the claimed method. The election should result in a *particularly defined* core structure that is shared by all library members. In defining this core structure, all variable groups should be defined (i.e. all atoms and bonds shown) as much as possible.

2. Applicant's claims that fall within the instant Group IV are originally filed claims 12 and 13 as well as newly added claims 14-24 from the Preliminary Amendment filed July 15, 2002. These claims are drawn to screening using a library of formula R*(F-L)-X. The claims specifically recite that X, L and F are the *same* for all library members and that R is different for each library member. Applicant has only elected that F is sulfonate, R is phenol, L is alkylene and X is rhodamine. This sub-generic election

does not result in a particularly defined core structure that is shared by all library members. In fact, no *specific* structure (i.e. atoms, linkages) is shown whatsoever. As the examiner stated in the Restriction Requirement, "all variable groups should be defined (i.e. all atoms and bonds shown) as much as possible" [in the core structure]. It is clear from the claims that X, L and F are the *same* for all library members and thus, at the least, this portion of the molecule must be particularly defined by showing *all atoms* and *all bonds* between them. Thus, applicant's current election is deemed to be non-responsive. Please note that the traversal will be addressed when the claims are examined on the merits.

3. Since the above-mentioned amendment (Response) appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurie Garcia Baker, Ph.D. whose telephone number is (703) 308-0065. The examiner can normally be reached on Monday-Thursday from 9:30 to 7:00 and alternate Fridays.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang, can be reached on (703) 306-3217. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Maurie Garcia Baker, Ph.D.
October 17, 2002

A handwritten signature in black ink, appearing to be 'MB' followed by a long horizontal stroke.

MAURIE GARCIA BAKER, Ph.D.
PATENT EXAMINER